

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| <i>In re</i> Application of : |) | Confirmation No.: 9237 |
| |) | |
| Inventor: Ruey J. YU, <i>et al.</i> |) | Examiner: Alicia R. Hughes |
| |) | |
| Serial No.: 10/801,134 |) | Group Art Unit: 1614 |
| |) | |
| Filed: March 16, 004 |) | |
| |) | |
| For: BIOAVAILABILITY AND IMPROVED DELIVERY) |) | |
| OF ACIDIC PHARMACEUTICAL DRUGS |) | |

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Election of Species Requirement set forth in the Action dated May 2, 2007, applicants hereby elect, with traverse, the following species:

- Alkaline amino acid – arginine;
- Acidic pharmaceutical drug – retinoic acid;
- Pharmaceutical or topical agent – skin lightening agent/depigmenting agent;
- Additional agent – hydrocortisone 17-butyrate.

Applicants respectfully traverse the election of species requirement because the basis set forth in the Action for maintaining the requirement are not relevant to claims. The Action alleges that the species set forth in each group are independent and distinct because they have different uses. The uses of the species are not relevant to the claims. Rather, the composition claims recite a molecular complex formed between an acidic pharmaceutical drug and at least one function substance, and the method claims recite the use of that complex. The particular utility of the respective species is irrelevant to whether or not the species form a molecular complex, as recited in the claims. Accordingly, applicants respectfully submit that the election

of species requirement is not proper, and respectfully request that the Examiner reconsider and withdraw the election.

Applicants previously elected in the response filed January 8, 2007, Group I, claims 1-19, and 30-36, drawn to compositions comprising a molecular complex. Applicants also previously elected in that response, the species alkaline amino acids, and alleged that claims 1-3, 13-19, and 30-36 read on the elected species. In light of the current election, applicants believe that claims 1-3, 13-19, and 30-36 read on the all of the elected species.

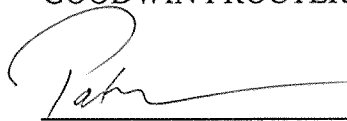
Applicants respectfully request examination of the elected claims, and if a generic claim is found allowable, examination of the non-elected species. If there are any questions concerning this response, Examiner Hughes is courteously invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

GOODWIN PROCTER

Dated: June 1, 2007

By:



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